

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Joseph Staes,

Plaintiff,

vs.

Chestnut Hill Mental Health Center,
Inc.,

Defendant.

Civil Action No. 6:04-23394-RBH-BHH

REPORT OF MAGISTRATE JUDGE

The plaintiff is proceeding in this action *pro se*. On December 13, 2005, the defendant filed a motion to dismiss for lack of prosecution. On December 13, 2005, pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), the plaintiff was advised of the summary dismissal procedure and the possible consequences if he failed to respond adequately. Despite this explanation, the plaintiff elected not to respond to the motion.

As the plaintiff is proceeding *pro se*, the court filed a second order on January 19, 2006, giving the plaintiff through February 13, 2006, to file his response to the motion to dismiss. The plaintiff was specifically advised that if he failed to respond, this action would be dismissed for failure to prosecute. The plaintiff elected not to respond.

Based on the foregoing, it appears the plaintiff no longer wishes to pursue this action. Accordingly, it is recommended that this action be dismissed for lack of prosecution pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. *Ballard v. Carlson*, 882 F.2d 93 (4th Cir. 1989), *cert. denied*, 493 U.S. 1084 (1990).

s/ Bruce H. Hendricks
United States Magistrate Judge

February 23, 2006
Greenville, South Carolina